

State Library

THE DAILY NEWS.

THE DAILY NEWS.
PUBLISHED BY THE
NEWS PUBLISHING CO.,
FAYETTEVILLE STREET,
Over Philo & Wayne Allcott's Store.
CASH-INVARIABLY IN ADVANCE.

THE DAILY NEWS will be delivered to
subscribers at FIFTEEN CENTS per week,
equal to the charge when collected at
\$7 per annum; \$3.00 for six months; \$2 for
three months.
THE WEEKLY NEWS at \$2 per annum.

GU. NO.

AMMONIATED



E I T V A L

SOLUBLE PHOSPHATE

sold to be, by our most successful and
reliable farmers, the best

FERTILIZER

sold in this market. It is by \$5 on each ton
the cheapest, either for cash, on time or for
credit. We have a special contract for
1000 tons this season at

GREATLY REDUCED PRICES.

and intend dividing our advantage with
our customers. Below we give a few of the
many testimonials sent us by farmers who
have tested its merits with other kinds.

A. C. SANDERS & CO.,

Agents, Raleigh, N. C.

Wake County, N. C., Dec. 31, 1874.
Messrs. A. C. Sanders & Co., Raleigh,
Gentlemen.—Having used the Star Phosphate
two years, I am convinced that it is equal
to any, and the cheapest Fertilizer I ever
used.

Yours truly,

R. J. IVEY.

Wake County, Jan. 4th, 1874.

Messrs. A. C. Sanders & Co.:
Gentlemen.—It is a pleasure to me to recom-
mend the Star Phosphate. I used it with
the best success, and found it superior
to all others I ever used.

Yours truly,

J. S. BROUGHTON.

Johnston County, Dec. 4, 1874.

Messrs. A. C. Sanders & Co.:

Gentlemen.—I have no objection to recom-
mend the Star Phosphate as a superior
Fertilizer I ever used.

Yours truly,

J. F. LEACH, JR.

Johnston County, Dec. 4, 1874.

Messrs. A. C. Sanders & Co.:

Gentlemen.—The Star Phosphate is, in my
opinion, the best Fertilizer I ever
used. I want no other.

Yours truly,

L. H. SANDERS.

Wak. County, Dec. 30, 1874.

Messrs. A. C. Sanders & Co.:

Gentlemen.—Having used the Star Phosphate
two years, I am convinced that it is equal
to any, and the cheapest Fertilizer I ever
used.

Yours truly,

H. M. HORTON.

COMMISSION MERCHANTS.

I HAVE THIS DAY ASSOC-
IATED WITH ME, MESSRS. E. B. BARBEE
AND J. C. LATTA AS PARTNERS. THE FIRM OF

A. PARKER WILL HEREAFTER BE PARKER, BAR-
BEE & LATTA.

ALL PERSONS INDEBTED TO ME IN MY OLD
BUSINESS WILL PLEASE COME FORWARD AND SET-
TLE IMMEDIATELY.

M. A. PARKER.

M. A. PARKER, E. B. BARBEE,
Wake. Barnett.

C. G. LATTA, Orange.

DARKER, BARBEE & LATTA.

WHOLESALE AND RETAIL GROCERS

AND

COMMISSION MERCHANTS.

(M. A. Parker's old stand.)

RALEIGH, N. C.

In addition to the above business I will
sell to my

Cotton Commission Business

In some places, you have ample facilities
for storing cotton, and will make liberal
allowances on consignments.

M. A. PARKER.

Jan 4-1874.

APPLES, HAY AND POT-
ATOES.

100 Bbls. Prime Northern Apples.

50 Bales Prime New York Timothy
Hay.

500 Bales Prime Port Deposit Timothy
Hay.

100 Bales Early Seed Potatoes.

50 Bales Peach Blow Potatoes.

For sale cheap for cash.

R. C. CULPEPER & BROS.,
Opposite Ferry Dock.

Portsmouth Va.

PETERS BROTHERS,

WATER STREET,
PORTSMOUTH, VA.

General Commission Merchants

AND DEALERS IN

GRAIN,

HAY,

LIME,

CEMENT,

COAL, &c.

Sept 18 1874.

200 ROLLS HEAVY BAG-
GING.

100 Bundles Linen Thread.

50 Bundles Linen Thread.

50 Bundles of Thread.

50 Bundles of Thread, receiving this day.

ELLIOTT, U. H. H. & THOMAS,
58 Fayetteville Street.

VOL. IV. NO. 267.

LOCAL MATTER.

E. C. WOODSON, City Editor

The subscription list of the DAILY NEWS is larger than that of any other newspaper in the State of North Carolina, and is double that of any other Daily in Raleigh. Advertisers should make a note of this.

Post-Office Directory.

For the benefit of the members of the Legislature, we publish the following Directory of the Post-Office of this city:

Western Mail is raised at 8:00 A. M., delivered at 9:00 A. M.; Eastern " " delivered at 8:00 A. M., Northern " " delivered at 8:30 P. M.

Office hours for delivering of mail from 8:00 a. m. to 6:00 p. m.

Money Orders are issued and paid from 9:00 a. m. to 6:00 p. m.

Letters can be registered from 9:00 a. m. to 4:00 p. m.

No mails sent or received on Sunday.

W. W. HODGES,
Postmaster.

SPECIAL CITY ITEMS.

BOARD WANTED—Good board for a gen-
tlemen and wife at a nice boarding house.

Address A. B. News Office, Jan 14-15.

10 Bushels Seed Oats, clean for cash, at
W. W. Woolly Cott., Wilmington Street.

FOR SALE—I have W. Cox & Gibb's Sewing
Machine, never been used, and just re-
ceived from the manufacturer. For partic-
ulars apply at THE NEWS OFFICE.

CONDENSED MILK.—Another supply just
received also BORDEN'S EXTRACT OF
BEEF, the most economical article of the
kind ever offered to the public at
PESCU'D, LEX'N OVS., Drug Store.

LOCAL BRIEFS—

There were no cases of interest before
the Mayor's Court yesterday.

There was no corn in the Newbern
market on Tuesday. Several cargoes

arrived.

Marmaduke Robbins, Esq., of Davi-
son and Senator McCauley, of Union,
are guests of Major W. F. Askew.

The farm of Maj. Basil C. Manly
was sold yesterday at auction, bring-
ing only \$28.50 per acre. This is said
to be a very small price for land of
its character.

Raleigh wore an animated appear-
ance yesterday, owing to the large
number of strangers visiting the city
in attendance upon the general
Democratic conference.

2. That the people of the State
have a sacred right to choose persons
to make the laws by which they are to
be governed freely and without
restriction or interference from the
Legislature, so chosen have a sacred
right to organize and make such laws
undisturbed by the military forces of
the United States.

3. That the spectacle of the Legis-
lative Assembly of an American State
disloyal by the bayonet's of our national
soldiery is a humiliating to-
ken of the highest political and
moral character, and should be a solemn warning
to the people that their liberties will be irretrievably lost unless they insist on a strict observance of the
Constitution by those public servants who are high in authority.

4. That these resolutions be entered
on the Journals as a protest against
the removal of members from the
halls of the State Legislatures and
certificates in another column,
then act accordingly.

At the late term of the special
court for Northampton county Judge
Henneberry, eight men to the
penitentiary, all of whom have
safely arrived and stowed away. Four
of the number were white men, mer-
chants in said county, convicted of
buying cotton from negroes, know-
ing it to have been stolen.

AN IMPORTANT BILL.—The follow-
ing bill, introduced into the Senate
by Mr. W. A. Graham, the popular
Senator from Lincoln, is one of much
importance to the people of the State
and North Carolina and affects
materially both the farming and mer-
chandise interests.

The General Assembly of North
Carolina do enact:

SECTION 1. That it shall be unlaw-
ful for any purchaser or weigher of
cotton to make any deduction from
any bag, bale or package of any kind
cotton for or on account of dirt, trash
or any other implement used in weighing
the same, or for any other cause ex-
cept as hereafter allowed, but said
weigher may make a proper deduction
as may be agreed on by him and
the seller or his agent for water, dirt
or other such foreign substance in or
on such bag, bale or package.

SECTION 2. Every public weigher
of cotton in this State shall, before enter-
ing on the duties of his office, make
and subscribe the following oath before
the members of the Legislature:

"I, _____, do solemnly swear
that I will justly, impartially and
without deduction, except as here-
after allowed, weigh all cotton sent
to me for sale, and will not make
any deduction for water, dirt or
other such foreign substance in or
on such bag, bale or package."

SECTION 3. Any person violating
the first section of this act shall, on con-
viction before any Judge of the Super-
ior Court of this State, be fined
one hundred dollars for every
offense.

SECTION 4. This act shall be in force
from and after March 1st, 1875.

BISHOP GIBBON.—The distinguished
Divine whose name heads this
article, will occupy the pulpit of St.
John's Catholic church on Sunday
next. Bishop Gibbons is said to be
the best pulpit orator in the South,
and St. John's church will doubtless
be over-crowded on Sunday to hear
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THE DAILY NEWS.

THURSDAY.....JANUARY 21, 1875.
JOHN W. DUNHAM.....Editor.
JORDAN STONE.....Manager.
THE DAILY NEWS is the Only
Paper in the City of Raleigh that
Takes the Telegraphic Reports.

JOB PRINTING.

The NEWS Job Department has been thoroughly supplied with every needed want and with the latest styles of Types, and every manner of Job Work can now be done with neatness, dispatch and cheapness.

We can furnish at short notice

BLANKS,

BILL HEADS,

LETTER HEADS,

CARDS, PROGRAMMES,

HANDBILLS, PAMPHLETS,

POSTERS, CHECKS, DRAFTS, ETC.

We have surrendered much of our editorial space for the last few days to the publication of important matters pertaining to the subjects now more nearly interesting the State, as the crowded condition of our reading columns will testify. With the legislative proceedings, the opinions of the Supreme Court in important cases, the conference upon the Public Debt and the Convention question, we feel we can surrender space without any apology.

THE STATE UNIVERSITY.

The many friends of this State institution will be rejoiced to learn the decision of the Supreme Court, which remands its control into the hands of the gentlemen who were elected by the Legislature during the session of 1873-'74—gentlemen who acknowledge the University as their Alma Mater and who have only her interest and the advancement of the educational interests of the State at heart. The almost utter ruin of this once honored institution by officials who were foisted upon the State during the degenerate days of Radicalism has been the cause of much grief to the good people of the State; and now that its control has passed into the hands of gentlemen in whom the people of the whole State can feel entire confidence, we hope that some good may be accomplished, although much time will be necessary to do anything productive of positive good, almost every vestige of the institution having been destroyed by the vandals who have misgoverned its affairs. We hope, however, at some day in the not distant future, to see the North Carolina University again an institution of the land and an honor to North Carolina.

NORTH CAROLINA'S GREATEST QUESTION.

Compared with the subject of convention, all the measures ever before our General Assembly sink into insignificance. This is the great question of the moment, and we feel with unalloyed satisfaction that we have authority for saying to its friends "cives acquirunt eundo." From all sides we receive the gratifying intelligence that it is truly gathering strength as it goes.

A few more days and the issue will be decided, and if our hopes are realized those who have contributed to the great result will well deserve the thanks and confidence of the people. To know the right and dare to do it bespeaks the true man. To falter and turn back at the moment of victory is ruinous. The man who waits on policy when duty and principle beckon him, is not the one who proves himself worthy of a people's trust.

This is no party question, but yet its solution rests upon the Democratic party. The minority can well afford to fold their arms and wait with a smile upon their lips to see if there is any chance of profiting by our mistakes. There is but one mistake that we can possibly make upon the subject, and that is to go back on our record, and decline to call the convention. This would make it a party issue in 1876 when other more important questions would be before the people. Now we have nothing else to distract the party or interfere with the result. The most experienced and devoted members of our party all seem to agree that there never was so auspicious a moment to call a convention and commence the regeneration of the State. Everything seems to have conspired to give the Democratic party of North Carolina an opportunity of proving its devotion to the highest interests of the people.

Some members have expressed timidity upon the subject, but we believe when the time comes to act not one will put himself on record adversely to the great question. Members do not come here as the mere servants of their counties or District—the welfare of the whole State and all the people are equally in their keeping, and being satisfied of the general desire and the general interests, they will act according

to the higher obligations. This is a State issue—not a local one, and it must be viewed alone from that point of view. When the time comes for action every member should remember that North Carolina expects her representatives to do their duty fully and fearlessly and for the best interests of the people of the whole State.

THE PACIFIC MAIL FRAUD.

The public have grown so familiar with the reports of gigantic frauds and organized systems of bribery in our congressional and legislative halls that the moral sentiment of the people have in a measure become callous and indifferent as to the effect which in a moral point of view they are having upon the principles of society. Men who fifteen years ago would have turned with disgust from any association with those who have acquired fortune through questionable practices, are now too frequently found in close relations with public servants who have betrayed their trust and grown rich through bribery and corruption. One of the most shameless of all the bare-faced instances of bribery which have disgraced Congress since the war is the case of the Pacific Mail Subsidy. A congressional committee has been engaged in its investigation for the last two months, and the results, as far as they have gone, prove most conclusively that the sum of seven hundred and fifty thousand dollars was paid to members of Congress to obtain the subsidy. It does not matter how much the agencies employed may lie, and seek by every subterfuge to conceal the names of the faithless members who have sold their honor for a miserable sum of pottage, the truth is too patent to ever be distorted from the damning conviction which stares us in the face.

When one reads the Louisiana report he cannot but feel amazement that such wrongs as it describes did not drive the white people of that State into most violent deeds of revenge. The people of Louisiana merit the admiration of mankind for the way they have borne themselves under trial and insults which from their peculiar nature were without precedent for their irritating and provoking character.—*Richmond Dispatch.*

There is hope for South Carolina and Florida. The Governors of both have pronounced in favor of reform, and have shown some deference to the conservative sentiment to the people. It will take a long time for South Carolina to recuperate—she has been so thoroughly plundered. But Florida will soon be a Northern settlement, due to her delicious winter climate, and the new-comers will bring both money and energy.—*Baltimore Gazette.*

The Sultan of Turkey is his own architect, and recently prepared the design for a new mosque he intends building.

North Carolina has suffered much in the past from similar robberies; her Treasury has been made to bleed to further the damnable schemes of men who sought only her ruin and her legislative seats were occupied by men who knew no higher ambition than to fill their pockets at the sacrifice of the honor of their Mother State. We hope that North Carolina may never be so cursed again, that her legislative halls will be kept free from such improprieties. Let our Legislature guard well any and every approach to corruption of this character, and if any one should so far forget his own honor and that of his State as to listen to the seductive influences of bribery, let the curses of a State be heaped upon his head.

RESTAURANTS.

HARRISON & BASHFORD,
Of the French Front.

NO. 10, HARGETT STREET.

Just received a fad of celebrated Whiskies, Nick Williams' Old Rye and other native brands.

J.C. SEEGER'S LAGER BEER OR DRINK.

Choicest Imported Scotch and Irish Whiskies, French Brandy and other imported goods. Come and try them before purchasing elsewhere.

H O ! FOR PEPPER'S

WHITE FRONT.

The BEST Restaurant in the City and the Most Varied and Attractive Bill of Fare.

M E A L S AT ALL HOURS,

OLD "PEPP'R" who is still alive and kicking, opens the new year with increased and improved facilities for pleasing his many friends and customers, at his well known address.

Berry Foster, Old Rye and other good brands.

Pure North Carolina Corn Whisky.

Old Nash County Apple Brandy.

"Old Tom" Gin, a superb article.

Ales, Wines, Cider, Lager Beer, &c., &c.

Fine Cigars, &c.

Jan 1-3m

THE BEST GRADES OF SMO-

king and Chewing Tobacco to be had

TONNOFF'S

Jan 1-15t

J U S T R E C E I V E D ,

At the stables of McDaniel & Faison, a load of WILD BROKE MULES,

for sale for $\$100$ each.

ROGERS & PARHAM.

UPCHURCH & BROWNE'S

THE DAILY NEWS.

TUESDAY, JANUARY 21, 1875.

Opinion of Chief Justice Pearson in the Case of the Trustees of State University vs. Melvin.

We published yesterday morning the opinion of Judge Byrd in the case of the legal action between the State University vs. Melvin, and we publish below the opinion of Chief Justice Pearson upon the same subject.

He was not in attendance, owing to sickness, when the Associate Justices at the last term of the court, had his case under consideration.

They inform us there was no difference of opinion upon the question to the satisfaction by the people of the State, except, perhaps, in one or two of the amendments to the constitution which were submitted to a vote, and the Associate Justices all concurred in the conclusion that the amendments were duly adopted, and form part of the constitution. I concur in this opinion.

The Associate Justices further inform us there was a difference of opinion concerning the question as to the constitutionality of the old mode, which provides "the General Assembly shall elect the Trustees of the University." An *advisari* was taken for the purpose of enabling me to take part in the decision of that question.

The amendment under consideration strikes out sections 5, 13, 14 and 15 of article II, "education," and inserts "the General Assembly shall have power to provide for the election of the Trustees of the University of North Carolina."

It is said this general power is restricted by a prohibition in section article III, "Education Department." And no such officer shall be appointed or elected by the General Assembly. No reference to this provision is made in the amendments, and the argument is, the original constitution and the amendment are to be construed together.

The amendment is to be considered as it had been inserted in the original constitution. An express prohibition cannot be made to yield to an inference drawn from the general words used in conferring the power. Therefore, the General Assembly has power to provide for the election of officers in any other mode, save that of an election by the members of its own body.

This conclusion follows—provided, the premises be admitted: Is the proposition true, "an amendment to the Constitution is to be considered, as if it had been inserted in the original instruments?"

In support of this proposition, reliance is put upon the analogy of a state's right to amend its constitution by amendments in pleadings, both in courts of law and of equity; but in my opinion this is not in point. A party cannot amend his pleading without obtaining the leave of the Court, in order to prevent the party from having benefit by his omission to insert the matter in the original pleadings; the leave of the Court is given on the condition that the amendment shall not be considered as if it had been inserted in the first instance. The people voting in *caelum* to the provisions of the Constitution, have power, without lessing the leave of any body to make, amend, alter or modify the Constitution at any time, and to any extent a majority may see fit. There is no condition for a legal fiction, but in putting construction upon the amendment, the Court is to take the part as if the amendment was made after the adoption of the Constitution, and is bound to give full effect to the amendment.

A prominent Republican Senator says Pinchback will be admitted to a seat in the Senate according to the determination of the recent caucus.

Logan, in the Senate, said that as New Orleans had made Jackson President, it might do the same for Sheridan?

Miss Alice Vickery is reported to be the first and only registered pharmacist in England.

SCHENCK'S PULMONIC SYRUP, SEA WEED TONIC AND MANDRAKE PILLS.—These deservedly celebrated and popular medicines have been introduced into our country art, and proved the salutary of several maxims which have for many years obstructed the progress of our country. The old maxim that "Consumption is incurable" deferred physicians from attempting to cure those afflicted with it, recommended them to desist without making an effort to cure from the first. This was not to be minimized. It is now proved, however, that consumption can be cured, and that it has been cured a very large number of cases, and that the cures are permanent.

As the power conferred upon the General Assembly is without any restriction, full effect cannot be given to the amendment without making the prohibition contained in the original instrument yield to the extent of allowing an exception in respect to the appointment or election of trustees of the University.

The rules adopted by the Courts for the construction of the amendment, and the analogy are equally in point.

The testator observing the formula required by law can revoke, amend, alter or modify his will, at any time and to such extent as he is minded; the Courts look upon the codicil or the last expression of his will, and give full effect to it, by making "the will" yield as far as is necessary for that purpose. The codicil is to be read with the will, and if it had been inserted in the will it is not resorted to, and the Courts give full weight to the fact that the codicil was made *after* the will, and the extent to which the intention of the testator had been changed is judged by the words of the codicil, giving effect to the will and couching it with the codicil only, so far as the will can be allowed to stand, detracting from the effect of the codicil.

So, in reference to the General Assembly, that body has power to repeal or amend any prior statute. An amending statute is construed with reference to the fact that it was enacted *after* the original statute, and the portion of the second statute being considered is to be read inserted in the first, has never been suggested.

So, in reference to deeds; the party to a deed may rescind or alter it by the execution of a second deed. There is no necessity for the leave of anyone to enable them to do so, and the Courts give full effect to the last deed, as expressing the intention of the parties, the first deed being referred to only for the purpose of seeing how far it can be altered, in order to give full effect to the last.

Thus, it is seen that in construing constitutions, amendments to constitutions, amendments of statutes, and the alteration of deeds, the Courts give weight to the fact that the one is made *after* the other, and the *fiction* that an amendment to a pleading is to be considered as if it had been inserted in the first, and stands isolated, and is referred to the case of an amendment to a pleading, because of the special ground on which it rests.

The mode of electing Trustees by the Board of Education, had not been attended with a favorable result; under the old mode of electing Trustees by the members of the General Assembly, the institution had suffered until the adoption of the dissolution of the same, when the former was dissolved by the amendment and struck out of the Constitution, it was naturally to be expected that the old mode would be again adopted. These are parts of history, to be taken into consideration as bearing upon the construction of the amendment, next to me to be conclusive.

How the Trustees shall be selected by the members of the General Assembly, so as to adopt the old mode, is so many words, it would have had the advantage of being direct and free from all room for construction, but it

would have been exposed to one objection urged against the mode adopted in the Constitution which the amendment strikes out, to-wit: there would be no change in the mode without the consent of Congress, incident to all changes of the fundamental law; whereas, by conferring an unrestricted power upon the General Assembly, that body could adopt the old mode or some other, and if the mode adopted in the first instance proved unsuccessful, set it aside and substitute another by ordinary legislation; for instance, if the General Assembly adopted the old mode, and then concluded that the new conditions resulting from the war did not prove a success—then another mode—an election by the Alumni of the University could be tried, or any other which circumstances might in the wisdom of the General Assembly be deemed expedient.

The objections, that under the power to provide for the election of Trustees, the General Assembly could not provide for an election by its own members, besides being met by reference to the past history of the University, is opposed by the analogy of the law. It is settled—a will of property given to A to do as he pleases, confers absolute ownership. If an unrestricted power of appointment be given to confers the ownership, as well as the power to whom the power is given does not otherwise describe it, the presumption is that he makes an appointment to himself. This inference of the law is based on a knowledge of human nature, and the effect of self-interest, which is presumed to prevail among corporate bodies, whether political or merely civil, as well as among individuals; and with deference to the opinion of others my conviction is, according to the principles of human nature and the analogies of the law, based upon them, in granting this unmistakable power to the General Assembly, it was not only expected, but it was the intention of the amendment that the General Assembly should adopt the old mode of election, and should that not answer, then body has power to substitute another.

PEARSON.

The Louisiana report of the subcommittee of Congress states that "in many parishes all the white Republicans and all the office-holders belong to a single family. There are five Greens in office in Lincoln. There are seven of the Boultis in office in Natchez." Ah! office and Federal cap have not their worst with the battle. The "Greens" and the "Boultis" are scattered over the whole South—thank God, in small numbers.

It is noted that Jay Gould has sold his stock in the Tribune and invested the proceeds in the Atlantic and Pacific Telegraph Company, of which General Eckert has lately been elected President.

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The Detroit Free Press is of opinion it wouldn't cost Sheridan or Grant either very much to subscribe for all the papers that speak well of them.

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Logan, in the Senate, said that as New Orleans had made Jackson President, it might do the same for Sheridan?

Miss Alice Vickery is reported to be the first and only registered pharmacist in England.

SCHENCK'S PULMONIC SYRUP, SEA WEED TONIC AND MANDRAKE PILLS.—These deservedly celebrated and popular medicines have been introduced into our country art, and proved the salutary of several maxims which have for many years obstructed the progress of our country. The old maxim that "Consumption is incurable" deferred physicians from attempting to cure those afflicted with it, recommended them to desist without making an effort to cure from the first. This was not to be minimized. It is now proved, however, that consumption can be cured, and that it has been cured a very large number of cases, and that the cures are permanent.

As the power conferred upon the General Assembly is without any restriction, full effect cannot be given to the amendment without making the prohibition contained in the original instrument yield to the extent of allowing an exception in respect to the appointment or election of trustees of the University.

The rules adopted by the Courts for the construction of the amendment, and the analogy are equally in point.

The testator observing the formula required by law can revoke, amend, alter or modify his will, at any time and to such extent as he is minded; the Courts look upon the codicil or the last expression of his will, and give full effect to it, by making "the will" yield as far as is necessary for that purpose. The codicil is to be read with the will, and if it had been inserted in the will it is not resorted to, and the Courts give full weight to the fact that the codicil was made *after* the will, and the extent to which the intention of the testator had been changed is judged by the words of the codicil, giving effect to the will and couching it with the codicil only, so far as the will can be allowed to stand, detracting from the effect of the codicil.

So, in reference to the General Assembly, that body has power to repeal or amend any prior statute. An amending statute is construed with reference to the fact that it was enacted *after* the original statute, and the portion of the second statute being considered is to be read inserted in the first, and stands isolated, and is referred to the case of an amendment to a pleading, because of the special ground on which it rests.

So, in reference to deeds; the party to a deed may rescind or alter it by the execution of a second deed. There is no necessity for the leave of anyone to enable them to do so, and the Courts give full effect to the last deed, as expressing the intention of the parties, the first deed being referred to only for the purpose of seeing how far it can be altered, in order to give full effect to the last.

Thus, it is seen that in construing constitutions, amendments to constitutions, amendments of statutes, and the alteration of deeds, the Courts give weight to the fact that the one is made *after* the other, and the *fiction* that an amendment to a pleading is to be considered as if it had been inserted in the first, and stands isolated, and is referred to the case of an amendment to a pleading, because of the special ground on which it rests.

The mode of electing Trustees by the Board of Education, had not been attended with a favorable result; under the old mode of electing Trustees by the members of the General Assembly, the institution had suffered until the adoption of the dissolution of the same, when the former was dissolved by the amendment and struck out of the Constitution, it was naturally to be expected that the old mode would be again adopted. These are parts of history, to be taken into consideration as bearing upon the construction of the amendment, next to me to be conclusive.

How the Trustees shall be selected by the members of the General Assembly, so as to adopt the old mode, is so many words, it would have had the advantage of being direct and free from all room for construction, but it

IMPORTANT TO FARMERS

ONLY \$38 PER TON.

CAT ISLAND GUANO.

A GENUINE NATURAL GUANO.

Having been successful bidders against the Guanahani Guano Company of Petersburg, Virginia, for a large deposit of Guano at the Islands, we offer the same under the name of "CAT ISLAND GUANO," and at a reduced price.

THOS. BRANCH & CO., Importers, Richmond, Va.

RICHMOND, VA., January 6th, 1875.
I have resigned the General Agency of the Guanahani Guano Company of Petersburg, Va., and accepted the same position for the sale of the Guano imported by Messrs. THOS. BRANCH & CO., of Richmond, Virginia, which is the same Guano and from the same Islands, and I now offer it to you at the following reduced prices.

WM. R. GRIFFITH, General Agent.

TERMS AND PRICES.

PER TON 2,000 POUNDS, IN BAGS.

50 tons or less, cash, \$3.00	Payable November 1st, \$4.00
51 to 100 tons, " 30.50	" 41.50
Over 100 tons, " 35.00	" 40.00

INFORMATION

Farmers of North Carolina.

FOR

GENTLEMEN'S SILK HATS, FINE DRESS SUITS,

BLACK AND COLORED BEAVER OVERCOATS,

Recently manufactured in the latest style, and will be sold at the lowest prices.

R. B. ANDREWS & CO., CLOTHIERS AND GENTS FURNISHERS, 27 Fayetteville Street, Raleigh, N. C.

HATS! HATS!! HATS!!!

A New Supply for Men, Boys and Children, embracing all the latest and most desirable styles, at Lowest Cash Prices.

R. B. ANDREWS & CO., CLOTHIERS, 27 Fayetteville Street.

RESTAURANTS.

THE RALEIGH CENTRAL.

THE FINEST

RESTAURANT and LUNCH SALOON

IN THE CITY.

Spacious dining rooms, elegantly furnished with arbie top tables.

PRIVATE PARLORS FOR GENTLEMEN

Everything in first class style, and the house first class in all its appointments.

WHISKIES AND BRANDIES.

The purest whiskies and brandies of the most celebrated brands.

IMPORTED WINES and ST. LOUIS LAGER BEER.

BEEF, MUTTON, LAMB, CHICKEN, ETC.

SOUP, STEW, BISCUITS, ETC.

DESSERTS, ETC.

DRY GOODS.

SECOND FALL STOCK. 1874.

New Goods and Good Goods at low Prices.

JOSEPH P. GULLEY.

TAILOR and JOINTER OF

McMACKIN & FAISON.

M. TEMPLE.

(Successor to Lynn Adams.)

Grocer, Cotton Factor

AND

Commission Merchant.

Nos. 5 Martin St. and 5 Exchange Place.

Having just returned from the North where he selected in person his

STOCK OF GROCERIES.

In addition to the regular line of goods, I have on hand a full stock of the

STINSON WOOL HATS.

made in Wake county, and adapted especially to the farmer's use.

WILLIAMSON, UPCHURCH & THOMAS.

W. H. TEMPLE.

TELEGRAPHIC NEWS.
THE DAILY NEWS IS THE ONLY
PAPER IN RALEIGH THAT TAKES
THE TELEGRAPHIC REPORTS, AND
IS THE ONLY ONE THAT FURNISHES
THE LATEST NEWS AND MARKET
REPORTS.

NOON DISPATCHES.

Foreign Items.

PARIS, Jan. 20.—It is stated that the Republican emissaries from Barcelon and other towns are in conference with the Carlist chieftains with the purpose of inaugurating a general rising against Alfonso. The issue is a plebiscite, whether Republic or Monarchy, under Don Carlos.

MADRID, Jan. 20.—Alfonso departed for the army to-day. The Carlists are loitering about the railroads and are ordered to be shot on account of frequent breakers.

LONDON, Jan. 20.—The steamer *Bosnia*, from Odessa to Cardiff, is supposed to have foundered with twenty men.

Congressional.

WASHINGTON, Jan. 20.—SENATE—Clayton introduced a bill to protect each State of the Union against invasion and for other purposes. Referred to the Committee on Military Affairs.

HOUSE—Irvine has written to the House offering to purge himself of contempt and to answer all proper questions. He will be examined to-morrow. The House went into a Committee on the whole.

A resolution calling on the President for information as to the use of military in Virginia was offered by Obrien, of Maryland, but was rejected by a vote of Miss.

Cabinet Meeting.

WASHINGTON, 20th.—The Cabinet yesterday considered the Virginians matter, and except Fish, there was unanimity that the matter should be pushed. In this connection it is stated, on excellent authority, that the veterans of the Gulf Squadron are called to coal and rendezvous at Key West. Some Democrats were consulted at the Arlington.

The finance question disturbed the unanimity of the meeting. The details are inaccessible.

New York "Rads" Endorse Grant's Policy.

NEW YORK, Jan. 20.—At a meeting of the Republican Central Committee last night resolutions were adopted sustaining throughout the action of President Grant in the Louisiana matter, and setting forth that whatever was done that was illegal was done without the knowledge of the President, and with a sincere desire on the part of officers of the government to perform their duty.

Destructive Fire in Brooklyn.

NEW YORK, Jan. 20.—The grocery of Baldecker, corner Hoyt and Pacific streets, was burned. Five dead from suffocation or leaping from windows.

Carpenter's Election Certain.

MADISON, Wis., Jan. 20.—Carpenter's election to the U. S. Senate is regarded as certain.

NIGHTLY DISPATCHES.

FROM WASHINGTON.

Congressional—Grant's Proclamation No. 3.

WASHINGTON, Jan. 20.—SENATE—The Legislative, Judicial and Executive appropriation bill was read for the third time and passed.

An amendment was submitted by Ransom, appropriating fifty-four hundred dollars for the Assay office at Charlotte, N. C., and another was submitted by Robertson, appropriating nine thousand five hundred and sixty dollars, or the office of Assayer-Treasurer at Charleston, S. C., were agreed to.

The fortification appropriation bill and consular and diplomatic appropriations bills were passed.

Logan, of Illinois, introduced a bill authorizing the paying of prize money to the captors of the steamboat New Era. It. 5.

The Senate then took up the amendment to the Constitution proposed by the Committee on Privileges and Elections, providing for the election of President and Vice-President.

Sherman gave notice that after the amendment shall be disposed of, he will claim the floor to finish his remarks on the subject.

The fortification bill which passed the Senate to-day contains the following items: Fort Monroe, Hampton Roads, Va., \$20,000; Fort Moultrie, Charleston harbor, S. C., \$15,000; Fort Pulaski, Savannah River, Ga., \$25,000; Fort Jefferson, Garden Key, Fla., \$15,000; Fort Jackson, Mississippi river, La., \$25,000; Fort Morgan, Pensacola, Fla., \$25,000; Fort St. Philip, Mississippi river, La., \$25,000; Fort Morgan, entrance to Mobile Bay, Ala., \$25,000.

WASHINGTON, January 20th.—The President sent the following message to Congress to-day:

To the Senate and House of Representatives:

In my annual message of December 1st, 1873, while inviting general attention to all the recommendations made by the Secretary of War, your special attention was invited to the importance of preparing for war in time of peace by providing proper armaments.

The proper armaments of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed. The former cannot. These views gain increased strength and permanence as the years roll by.

I now call your attention to call special attention to the condition of the armament of our fortifications and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon.

The large expenditure required to supply the number of guns for our forts is the strongest argument that can be adduced for a large increase in the appropriation for their gradual accumulation.

In time of war such preparations cannot be made, cannon cannot be purchased in open market nor manufactured at short notice, they must be the product of years of experience and labor. I herewith enclose copies of a report of the Chief Engineer of the War Department on the trial of an eight inch rifle gun converted from a ten inch smooth bore gun, which shows very conclusively an economical means of utilizing these useless smooth bores and making them into 8 inch rifles capable of piercing seven inches of iron.

The 1205 10 inch Rodman gun should, in my opinion, be so utilized and the proportionate requested by the Chief of ordnance of \$25,000 to commence these conversions is earnestly recommended.

While convinced of the economy and necessity of these conversions the determination of the best and most economical method of providing guns of still larger calibre should no longer be delayed. The experience of

other nations based on the new conditions of defence brought prominently forward by the introduction of iron clads into every navy afford demands heavier metal and rifle guns of not less than 12 inches in calibre. These enormous masses hurling shot of 1000 pounds each alone make up the requirements of the national expenses. They must be provided, and experiments on a large scale can alone give the data necessary for the determination of the question. A suitable proving ground with all the facilities and conveniences referred to by the chief of ordnance, with a full and appropriate staff, is undoubtedly necessary. The guns are now ready for trial and cannot be experimental with without funds, and the estimate of \$250,000 for the purpose is deemed reasonable and is strongly recommended.

The constant appeal for legislation on the arment of fortifications, might be well directed if Congress desired in peace to prepare the important material without which future wars must inevitably lead to disaster. This subject is submitted with the hope that the consideration it deserves may be given it at the present session.

Signed: U. S. GRANT,
Executive Mansion.
CHARLES A. WETMORE was committed to jail for contempt, refusing to testify regarding the Pacific Mail Sumsides. Irving will purge to-morrow. The House went into a Committee on the whole.

The Incendiary Arrested and Confessed to Have been Hired to the Death of Dr. Phillips by Whites in Trouble Expected.

ATLANTA, January 20.—General M. C. Butler's residence in Edgefield county, S. C., was burned by an incendiary on the night of the 13th. The incendiary confessed that his name was Tenant, and that he belonged to the negro militia, and says his captain hired him to do the deed. A warrant was issued Monday for Tenant, and he was apprehended. Tenant refused to be arrested, and the constable called on General Butler for a posse. Butler and eight others accompanied the constable in search of Tenant. Tenant and his fellows fired at the posse from ambush, and the posse returned the fire, wounding three negroes, two mortally. Tenant and his horse. More trouble is apprehended. The people are determined to arrest Tenant.

Tuesday night the negroes fired at Merrimettar 15 times. Dr. McFie, who went to attend the three wounded negroes, was fired at twice on his return. One shot perforated his clothing, and the other wounded his horse. More trouble is apprehended. The people are determined to arrest Tenant.

Forenoon, 10.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, attacked the town of Hartselle, Alabama, and captured it.

Wednesday, 11.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Thursday, 12.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Friday, 13.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Saturday, 14.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Sunday, 15.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Monday, 16.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Tuesday, 17.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Wednesday, 18.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Thursday, 19.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Friday, 20.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Saturday, 21.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Sunday, 22.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Monday, 23.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Tuesday, 24.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Wednesday, 25.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Thursday, 26.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Friday, 27.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Saturday, 28.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Sunday, 29.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Monday, 30.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Tuesday, 31.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Wednesday, 1.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Thursday, 2.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

Friday, 3.—Rebels 1500 strong, under command of Gen. W. H. T. Walker, captured Hartselle, Alabama, and captured it.

COMMERCIAL REPORT.

WHOLESALE CASH PRICES.

DAILY NEWS OFFICE.

THE DAILY NEWS

JOB OFFICE.

RENTERS BOARD

JOHNSTON'S

JOHNST